

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

Case No. 4:08cr00160-01 GTE

ELMER OSORIO-JUAREZ

DEFENDANT

JUDICIAL ORDER OF REMOVAL

On this 21st day of April, 2008, a hearing was held in this case. The Defendant appeared at the hearing with counsel.

After reviewing the evidence presented at the hearing and the Factual Allegations and Charges in Support of Judicial Deportation/Removal/Exclusion ("Factual Allegations"), the court makes the following findings:

1. The Defendant is not a citizen of the United States.
2. The Defendant admitted in open Court that he is a native and citizen of Guatemala and that he was found illegally in the United States after having entered the United States at a time and place other than one designated by immigration officers.
3. The Defendant has been adjudicated guilty in this Court of the offense of Entry Without Inspection, a violation of title 8 U.S.C. § 1325(a)(1).

Based on these findings, the Court now determines that the Defendant is deportable, removable, and excludable from the United States based on the charges contained in the Factual Allegations; specifically, the charge of illegal entry without inspection, a violation of title 8 U.S.C. § 1325(a)(1) (Immigration and Nationality Act, § 275).

Accordingly, the Court orders that the Defendant be deported from the United States to his native country, Guatemala, under title 8 U.S.C. § 1228(c)(5), based on the charges contained in the Factual Allegations.

The Court further orders the Defendant to assist Immigration and Customs Enforcement officials, to a reasonable degree, in obtaining travel documents to expedite the Defendant's deportation, removal, and exclusion from the United States.

The Court further orders the Defendant not to reenter the United States unlawfully.

If representatives of the Guatemalan government advise the United States Attorney General ("Attorney General") or the Secretary of Homeland Security of the United States ("Secretary") within three months of the date of this Order that Guatemala will not accept the Defendant into its territory, or if the Guatemalan government fails to inform the Attorney General or Secretary whether or not it will accept the Defendant into its territory at the Defendant's request, the Defendant then shall be removed from the United States and deported to another consenting country.

IT IS SO ORDERED this 21st day of April, 2008.


UNITED STATES MAGISTRATE JUDGE